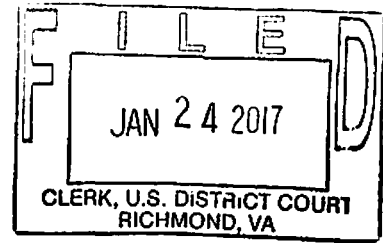


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



UNITED STATES OF AMERICA)
)
 v.)
)
 LARRY BEVERLY GARLAND,)
)
 Petitioner.)

Criminal Action No. 3:05CR263-HEH

MEMORANDUM OPINION
(Dismissing Successive 28 U.S.C. § 2255 Motion)


By Memorandum Opinion and Order entered on November 18, 2009, the Court denied a 28 U.S.C. § 2255 motion filed by Petitioner. (ECF Nos. 51, 52.) On July 1, 2016, the Court received another 28 U.S.C. § 2255 motion from Petitioner.

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a “gatekeeping mechanism.” *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). Because the Court has not received

authorization from the Fourth Circuit to file the motion, the action will be dismissed for want of jurisdiction. The Court will deny a certificate of appealability.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: Jan. 23, 2017
Richmond, Virginia

 /s/_____
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE